



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	ATTORNEY DOCKET NO. CONFIRMATION NO.	
09/852,864	05/10/2001	Jo Wada	7217/64551	5148	
7590 06/01/2005		EXAM	EXAMINER		
COOPER & DUNHAM LLP 1185 Avenue of the Americas			MISLEH,	MISLEH, JUSTIN P	
New York, NY 10036			ART UNIT	PAPER NUMBER	
,			2612		
			DATE MAILED: 06/01/200	DATE MAILED: 06/01/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.	Applicant(s)	
09/852,864	WADA, JO	
Examiner	Art Unit	
Justin P. Misleh	2612	

Before the Filing of an Appeal Brief	Examiner	Art Unit					
	Justin P. Misleh	2612					
The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress				
THE REPLY FILED 13 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.							
 The reply was filed after a final rejection, but prior to or o this application, applicant must timely file one of the follo places the application in condition for allowance; (2) a No (3) a Request for Continued Examination (RCE) in comp following time periods: 	n the same day as filing a Notice o owing replies: (1) an amendment, a otice of Appeal (with appeal fee) in	f Appeal. To avoid at ffidavit, or other evide compliance with 37 (ence, which CFR 41.31; or				
a) The period for reply expires 3 months from the mailing date of	f the final rejection.						
The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.							
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).							
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
	nliance with 37 CER 41 37 must be	a filed within two mon	the of the date				
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).							
AMENDMENTS	The state of the s						
3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below);							
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or							
(d) They present additional claims without canceling a NOTE: See Continuation Sheet. (See 37 CFR 1.1		jected claims.					
<u> </u>	, ,,	ompliant Amendment	(PTOL-324)				
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s):							
6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).							
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.							
The status of the claim(s) is (or will be) as follows: Claim(s) allowed:							
Claim(s) objected to:							
Claim(s) rejected: <u>1 - 10</u> . Claim(s) withdrawn from consideration:							
AFFIDAVIT OR OTHER EVIDENCE							
B. The affidavit or other evidence filed after a final action, b because applicant failed to provide a showing of good ar and was not earlier presented. See 37 CFR 1.116(e).							
2. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).							
10. 🔲 The affidavit or other evidence is entered. An explanation	•	, , ,	•				
REQUEST FOR RECONSIDERATION/OTHER 11. The request for reconsideration has been considered but	it does NOT place the application i	n condition for allows	inoo hoosiiso:				
			ince because.				
2. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).							
13.		ENDY R. GARBER					
	===	LOOK DATENT EXAM	NINER				
S. Patent and Trademark Office	SUPER	COLOGY CENTER 26	00				

U.S. Patent and Trademark Office PTOL-303 (Rev. 4-05)

Advisory Action Before the Filing of an Appeal Brief

TECHNOLOGY CENTER 2500 Part of Paper No. 052505

Continuation Sheet (PTO-303)

Application No. 09/852,864

Continuation of 3. NOTE: Claim 1 is amended so as to require further search and consideration .